REMARKS

An Office Action was mailed on July 1, 2008. Claims 1-10 remain pending.

Claims 1-6 and 8-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maissel et al. (U.S. 2004/0049787 A1).

Claim 1 has been amended, to recite the limitations of "managing a list of preferred programs in accordance with predetermined criteria, and in which at least a part of the criteria is based on information about the program evaluation by other users of the broadcast medium; adapting the receiver's program selection to allow a user to navigate through the list of preferred programs in accordance with the predetermined criteria." Support for the amendments can be found in the specification at least on page 2, lines 6-10 and page 4, lines 10-19. No new matter has been added.

Applicant respectfully submits that the cited Maissel fails to teach or suggest "adapting the receiver's program selection to allow a user to navigate through the list of preferred programs in accordance with the predetermined criteria," as claimed in amended claim 1.

The Office points to Fig. 9A-C; paragraph 201 and 204 to show this limitation. Applicant's respectfully disagree. In these sections Maissel simply shows a typical simplified example of a non-customized grid-type screen display...various navigation techniques exist for a

user of a program guide... Nothing in this section teaches adapting the receiver's program selection to allow a user to navigate through the list of preferred programs in accordance with the predetermined criteria, as claimed in claim 1.

The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required." (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Since Maissel does not teach all of the limitations of independent claim 1, it can not anticipate the present invention. For at least the above cited reasons, Applicant submits that Claim 1 is patentable over Maissel.

With regard to claims 2 10 these claims depend from the independent claim discussed above, which have been shown to be allowable in view of the cited reference. Accordingly, each of claims 2-10 are also allowable by virtue of its dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. Entry of this amendment and a Notice of Allowance is respectfully requested.

Respectfully submitted,

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